

Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is in condition for allowance.

The Decision on Appeal dated October 17, 2005, reversed each of the Examiner's prior art rejections but applied a new rejection to claims 18-30 under 35 U.S.C. § 112(2).

Regarding the prior art rejections, the Board reversed the rejections because no teaching was identified in the previously cited references that a depleted gas supply would be formed in the reaction container 21 in the absence of one of the process gas inlets 25. Further, it was not established that the reaction container 21 would necessarily exhibit a zone of depletion absent one of the gas inlets. *See* page 8 of the Decision.

Consistent with these findings and with the Board's newly presented Section 112(2) rejection, amended independent claims 18 and 19 (also dependent claims 20-30) maintain the previous scope of subject matter coverage.

With respect to the Section 112(2) rejection, the Board indicated that independent claims 18 and 19 are rejected in view of limitations directed to a zone that is defined in the absence of a gas injector where such a gas injector is required by both of the claims. Applicant appreciates the Board's suggestion that the claims be written in a Jepson-type format to overcome this concern. Accordingly, Applicant has amended independent claims 18 and 19 in accordance with those suggestions and in accordance with the guidance provided in the second edition (fifth printing, © 1974) of Mechanics of Patent Claim Drafting by John Landis, specifically pages 170-171. In view of this alternative claim format, Applicant submits that the claims clearly define the subject matter of the invention and are in condition for allowance. Applicant accordingly requests that the rejection be withdrawn.

In view of the above discussion, Applicant believes that the rejection has been overcome and the application is in condition for allowance. A favorable response is requested. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

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